

1 MS. KRIGSTEN: I have nothing further. Thank you.

2 THE COURT: Thank you, Mr. DeGeorge. You may step
3 down, sir.

4 THE WITNESS: Thank you.

5 THE COURT: Call your next witness.

6 MR. RICHMOND: Government calls Andrew Kitt Manning.
7 Your Honor, if you could pull the video off the screen for a
8 moment, I have to put a different video in.

9 ANDREW KITT MANNING

10 was thereupon called as a witness for and on behalf of the
11 government and, having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. RICHMOND:

14 Q. Officer Manning, could you introduce yourself to the jury?

15 A. My name is Kitt Manning. I'm a patrolman first class,
16 City of Biloxi in Harrison County.

17 Q. How long have you been with the Biloxi Police Department?

18 A. Three years in the reserves, seven years full-time.

19 Q. What did you do before you came on duty?

20 A. Retired Marine Corps after 22 years.

21 Q. Does your job with the Biloxi Police Department require
22 you to go from time to time to the Harrison County Adult
23 Detention Center?

24 A. I occasionally transport some of my prisoners and other
25 prisoners to the Harrison County Adult Detention Center.

MARGARET WASMUND, RMR, CRR

PERIOD-Bayonne, N. J.

PLAINTIFF'S
EXHIBIT

"17"

1 Q. You go there several times a month?

2 A. I might go once a week. Sometimes I might go three times
3 a month.

4 Q. Have you come into contact with Defendant Teel when you've
5 been there?

6 A. Yes, sir.

7 Q. Have you ever heard Defendant Teel encourage other
8 officers to use force against inmates?

9 A. I have heard him yell to somebody in the shower area
10 something to the effect of "Spray that bitch." But I've never
11 heard him actually face to face tell somebody to do something.

12 Q. When you heard Defendant Teel yell "Spray the bitch,"
13 where was he standing?

14 A. He was behind the booking cage outside the receiving area
15 where officers bring the prisoners in. He's behind the caged
16 area where he receives all the property and their custodies and
17 such.

18 Q. At the time that he said that, could he see inside the
19 shower area?

20 A. No, sir.

21 Q. What made you believe that he was yelling to someone
22 inside the shower?

23 A. You could hear yelling inside the shower also. An
24 occasional thump. It sounded like somebody thumping against
25 the wall or something. You couldn't see what was going on.

1 You just hear definite movement inside and someone yelling at
2 somebody else.

3 Q. What did you suspect was going on?

4 A. I figured that they had a disorderly prisoner in the
5 shower room or -- and somebody was getting restrained.

6 Q. Did you ever hear officers yelling "Stop resisting"?

7 A. Not at the county jail, no, sir.

8 Q. Did you ever see Defendant Teel choking an inmate?

9 A. I've seen him have his arm around an inmate's throat, yes,
10 sir, and applying pressure.

11 Q. Would that be applying a move called a vascular neck
12 restraint?

13 A. Not in the manner that I was taught to use vascular neck
14 restraint, no, sir.

15 Q. How was it different?

16 A. We always were taught to lace one arm, hook one arm to
17 keep the pressure off the throat and onto actually the vascular
18 and not into the actual windpipe.

19 Q. What does it mean to lace an arm?

20 A. To lace an arm? That's not a terminology I'm not used --
21 or familiar with.

22 Q. I believe you just said it. You said that you're used to
23 a vascular neck restraint being where you would --

24 A. Oh, I'm sorry. When you lace an arm, you have ahold of
25 the neck and you also have ahold of one arm so it keeps it

1 off -- actually off the throat, but to the neck itself where
2 the blood is stopped from flowing to the brain.

3 Q. And how did Defendant Teel do it?

4 A. It was actually one arm around the -- completely around
5 the neck.

6 Q. How did the inmates that you saw him do this to respond?

7 A. Normally, it was disorderly, yelling, screaming. And he
8 would put them against the glass. And he would say something
9 to them. Usually, I didn't hear what he said. They would
10 stop. And then --

11 THE REPORTER: Sir, did you say "they would stop" or
12 "say stop"?

13 THE WITNESS: Well, he would stop.

14 THE REPORTER: Okay.

15 A. And then the individual would stop arguing. Stop being, I
16 guess you would say, aggressive or -- I wouldn't say really
17 resistive because most of the prisoners are still in handcuffs
18 when we bring them into the county jail. But they were pulling
19 away, trying to turn on the officers and at times even trying
20 to spit on officers. So I guess you would say resistive to a
21 degree. And that would cease once they were put against the
22 glass and told either stop or whatever they were told.

23 Q. Were some of the people that you saw Defendant Teel choke
24 in handcuffs at the time?

25 A. Yes, sir. They were still in handcuffs.

1 Q. Once you got to the jail, what occurred?

2 A. I immediately turned him over to one of the deputies,
3 filled out my paperwork. And then I left him in their care.

4 Q. Were you present when Only was taken to the shower --

5 A. No, sir.

6 Q. -- in the booking room? What was the next thing that you
7 heard about Only?

8 A. Well, I dealt with him about three or four nights later.
9 And he was very polite, which is abnormal for him. But about a
10 week later, I went back out to the county jail. And somebody
11 made a comment to the fact, "Check out your boy, Only," and
12 showed me a picture of his booking room picture where he had a
13 busted nose, looked like a fat eye and his hair was all puffed
14 up.

15 Q. I'm showing you what's been marked as Government's
16 Exhibit 47. Is that the photo that you were shown?

17 A. Yes, sir.

18 Q. Is that the way Only looked when you dropped him off at
19 the jail?

20 A. No, sir.

21 Q. What was the demeanor of the officer that pulled that
22 photo up on the computer screen?

23 A. Humor. Bragging rights, I guess. Humor -- a mix between
24 bragging about it and humor.

25 Q. Do you remember which booking officer showed you the

1 casinos and transported him directly to Harrison County Adult
2 Detention Center.

3 Q. And did that occur on January 7, 2006?

4 A. I believe that's the date, yes, sir.

5 Q. Was Mr. Alves intoxicated?

6 A. Extremely, yes, sir.

7 Q. When you effected the arrest, did you use any force
8 against Mr. Alves?

9 A. No, sir. Another officer, Officer Sonnier, and I
10 responded to the casino, the Imperial Palace Casino. Was led
11 up to where Mr. Alves was at. He was sitting in an eating area
12 and was refusing to leave. We tried to explain to him: "You
13 need to leave, or they're going to have you arrested." He kept
14 telling us: "No, I'm not leaving." Repeated it several times.

15 Finally, they placed him under citizens arrest for
16 trespassing. And I took him down to my patrol car. When we
17 got into my patrol car, that's when he started yelling out the
18 window profanities. He's going to kill me. He's going to kill
19 them.

20 Q. Was he ever physically aggressive with you?

21 A. Outside of pulling away, no, sir. He attempted to pull
22 away, but -- a shrug and a jerk. But nothing other than that,
23 no, sir.

24 Q. Did he ever attempt to kick or punch?

25 A. No, sir, not that I can recall.

1 Q. What happened when you arrived at the jail?

2 A. Excuse me. When I arrived at the jail, he again tried to
3 pull away from me as we walked into the receiving area. I
4 walked him over to near Holding Area 7, which is a standard
5 area where we put our prisoners while we finish our paperwork.

6 I walked up to the counter. I told him to stay where he
7 was at. Started filling out my paperwork. Turn around. Alves
8 was walking toward me. I told him again: "Get back against
9 the wall and stay there." Again, I started to work on my
10 paperwork. He started to walk toward me. I turned around and
11 push -- put my hand on his chest, pushed him back against the
12 glass window. And I told him: "Stay here."

13 Q. Did you see Defendant Teel do anything?

14 A. As I was walking away -- back away from him, that's when
15 Officer Teel came in to -- and confronted Alves.

16 Q. What did you see Defendant Teel do?

17 A. He spun Alves and put him up against the glass window near
18 Holding Area 7. And I went back to the counter and started to
19 finish my paperwork.

20 Q. Now, at the time that Alves came in, did he have any
21 visible injuries?

22 A. No, sir.

23 Q. Was he bleeding at all?

24 A. No, sir.

25 Q. Were his hands cuffed behind his back?

1 A. Yes, sir. By our departmental policy, yes, sir.

2 Q. Did you ever take those handcuffs off?

3 A. No, sir.

4 Q. To your knowledge, did he ever have his handcuffs removed?

5 A. Only after they took custody and they placed handcuffs on
6 him -- their handcuffs on him.

7 Q. So there was always a set of handcuffs on him?

8 A. Not always, no. But on him, yes.

9 Q. Right. You had your handcuffs on him; correct?

10 A. Yes.

11 Q. When he came in? And then to swap the handcuffs, they put
12 the jail handcuffs on?

13 A. And then took mine off, yes, sir.

14 Q. So at one point, he had two sets of handcuffs on? After
15 putting the jail's handcuffs on, they took yours off and then
16 returned them to you?

17 A. Yes, sir.

18 Q. So his hands were always cuffed behind his back?

19 A. Yes.

20 Q. You mentioned that Teel pushed Alves up against the
21 Plexiglas. How did he do that?

22 A. Very forcefully, enough to give a shake. And he started
23 saying something to him. But I don't remember what he said or
24 if I even paid attention to what he said. I turned around and
25 started working on my paperwork some more.

1 Q. Was Defendant Teel taunting him?

2 A. I couldn't say yes or no. I don't remember exactly what
3 he said or any of the conversation.

4 Q. What happened after Teel pushed Mr. Alves against the
5 Plexiglas?

6 A. I was -- like I said, I was working on my paperwork. Next
7 thing I know, I hear a noise. I turn around and look. And
8 Alves is on the ground. And Teel is on his knees beside of
9 him. Over -- sort of over the top of him. From memory, it
10 gets a little fuzzy. I've seen the video. I know what happens
11 on the video, but there's things in the video I don't remember
12 seeing.

13 Q. Right now, I just want you to testify as to what you
14 remember. Do you remember Defendant Teel using force against
15 Mr. Alves after he was on the floor?

16 A. I seen him do a tactical -- what I learned was a tactical
17 swipe with OC spray. And he covered his face up with a
18 pillowcase, which at the time I thought he had actually pulled
19 a shirt over the top of his head.

20 Q. Let's start with the -- let's start with the OC spray for
21 a moment. When you saw Teel use OC spray against Mr. Alves,
22 what was Mr. Alves doing?

23 A. He was on the ground. When he got -- face down on the
24 ground. When he got the OC swipe, he got the normal reaction
25 that you get from OC. Immediate water, the eyes. The

1 blubbering, spitting, trying to get rid of it. And I think I
2 remember hearing him yelling "Get it out" or "Get it off" or
3 something to that effect. But as to what was said is fuzzy.

4 Q. Just prior to when Defendant Teel sprayed Mr. Alves with
5 OC spray, what was Mr. Alves doing?

6 A. I honestly don't recall. I know he was on the ground --
7 face down on the ground. I don't know if he was yelling at
8 Teel or what.

9 Q. Did you see any movement from his body?

10 A. No, sir.

11 Q. And his hands were still cuffed behind his back?

12 A. Yes, sir.

13 Q. After Defendant Teel sprayed Mr. Alves with OC spray, you
14 mentioned he put a pillowcase over his face. Can you describe
15 that?

16 A. He tied it -- again, I thought it was -- originally, when
17 I thought about it, I thought it was a -- he pulled his shirt
18 over his head. But I knew it was something white. But he tied
19 a pillowcase around his head and knotted it in the back so you
20 could actually see Alves' features through the pillowcase.

21 Q. You mean his facial features?

22 A. Yes. You could see where his eyes were. You could see
23 his nose. And you could see some blood forming on the towel or
24 the pillowcase.

25 Q. Are you trained in OC spray?

1 A. Yes, sir.

2 Q. And when are officers trained to decontaminate
3 individuals?

4 A. As soon as possible.

5 Q. Did you see Defendant Teel do anything to decontaminate
6 Mr. Alves?

7 A. No, sir.

8 Q. Is placing a -- tying a pillowcase over someone's face a
9 decontamination technique?

10 A. No, sir, not at all.

11 Q. What impact would that have?

12 A. That would hold it in actually. It wouldn't absorb any of
13 it away from the skin. It would actually hold it to the skin.
14 If he had any cuts, that would agitate the cuts -- the cuts
15 more. Increase the pain, especially to the eyes and the mucus
16 membranes in the nose.

17 Q. Did you hear Alves say anything while the sheet was being
18 tied around his face?

19 A. I don't recall.

20 Q. Did you ever hear Mr. Alves say that he couldn't breathe?

21 A. Yes, sir.

22 Q. When did you hear Mr. Alves say that he couldn't breathe?

23 A. After the OC swipe.

24 Q. What did Defendant Teel do after he tied the pillowcase
25 around Mr. Alves' face?

1 A. He brought out -- I want to call it a mummy wrap. They
2 laid -- or rolled Alves over into the mummy wrap. I believe
3 that's when they switched out their cuffs for my cuffs. And
4 they began wrapping him up in the mummy wrap. I seen what
5 looks like a straight jacket used before at the jail, but I've
6 never seen -- looked like a full body wrap. I've never seen
7 that. And I was just curious how it worked. I've never seen
8 it before.

9 Q. Did you see Defendant Teel use any force against Mr. Alves
10 while he was wrapping him in the mummy wrap?

11 A. I know he had his -- he was down near him. I don't know
12 if he was -- had his weight on top of Alves' back or if he's
13 down near him. I don't recall.

14 Q. What was your reaction to Defendant Teel tying the sheet
15 around Mr. Alves' face?

16 A. I was surprised.

17 Q. Why?

18 A. We're taught not to do that. Even if somebody is a
19 spitter, we don't do that. We've got spit masks for that. I
20 know the effects, if it was tied around my face, what OC -- OC
21 spray does to you. And --

22 MR. DAVIS: Objection, Your Honor. Sounds like he's
23 speculating at this time.

24 THE COURT: Objection overruled.

25 BY MR. RICHMOND:

1 Q. You can continue your answer.

2 A. I know what it would feel like if OC was -- or something
3 was tied around my head after being sprayed with OC. We're
4 taught to decontaminate with water and get air on the face as
5 soon as possible.

6 Q. Do you recall other officers coming in and participating
7 in wrapping Mr. Alves?

8 A. There was six or seven came in. I believe a couple of
9 them was -- they appeared to be sergeants that worked for the
10 jail. I don't know. I don't know very many of them as far as
11 their names. I recognized most of their faces. Only very few
12 of them do I know by their names.

13 Q. What was the demeanor of the officers who were working to
14 wrap up Mr. Alves?

15 A. Methodical humor.

16 Q. What is -- can you explain that?

17 A. It appeared common, like it was something they was used
18 to.

19 Q. At any point, did you hear Teel say, "I'm going to use
20 your whole body to make me feel better"?

21 A. I've heard that comment. But whether I heard it that
22 night, I don't --

23 MR. DAVIS: We're going to object, Your Honor, to
24 speculation and just -- he doesn't know where he heard the
25 comment or --

1 him in the restraint chair.

2 Q. Who tightened the straps on the restraint chair?

3 A. Officer -- or Deputy Teel.

4 Q. How did he do that?

5 A. Pulling it through the clasp and then bracing the seat
6 against --

7 MR. DAVIS: Judge, I just want to make sure this
8 witness is testifying off his own personal knowledge and not
9 off his review of the video.

10 THE COURT: I presume that he is. Is that in the
11 form of an objection?

12 MR. DAVIS: Yes, sir, Your Honor.

13 THE COURT: Objection overruled.

14 BY MR. RICHMOND:

15 Q. How did Defendant Teel tighten the straps on the restraint
16 chair?

17 A. By bracing his feet against the chair and pulling on the
18 straps.

19 Q. At some point, was Mr. Alves restrained into the chair?

20 A. Yes, sir. That's -- this is where I don't know if I was
21 there and seen it -- him put in the chair and tighten down or
22 if I'm remembering from video.

23 Q. Okay. I only want you to testify as to what you recall.

24 A. I don't recall being there when they actually put him up
25 in the chair.

1 Q. Do you remember when Teel moved the chair into a holding
2 cell?

3 A. No, sir. I remember the video.

4 Q. At some point, did you depart the jail that evening?

5 A. Yes, sir.

6 Q. And what did you do when you left?

7 A. I went back to the -- Biloxi. Went back on the road. And
8 sometime during that night, I spoke to one of my supervisors.
9 I'm not sure which one. And I advised him that Alves had
10 gotten sprayed at the jail and up into the chair.

11 Q. Did you give an assessment to your supervisor about what
12 you had seen?

13 MR. DAVIS: Objection. Hearsay at this time, Judge.

14 THE COURT: As to this question, the objection on
15 hearsay is overruled.

16 BY MR. RICHMOND:

17 Q. You can answer.

18 A. I believe I might have told him that Alves took an ass
19 whupping at the jail.

20 Q. At any point at the jail, did you perceive Mr. Alves to be
21 a threat to your safety?

22 A. Only initially when he started to walk up behind me when I
23 was at the -- at the counter. Because on other occasions, I've
24 had -- actually had prisoners try to head butt me in that
25 occasion. But when I pushed him back against the wall, he was

1 no longer a threat when Officer Teel stepped in.

2 Q. Mr. Alves didn't try to head butt you that night?

3 A. No. No, sir.

4 Q. Did you ever perceive Mr. Alves to be a threat to the
5 safety of others?

6 A. Physically, no, sir.

7 Q. Did you ever perceive him to be a threat to himself?

8 A. No, sir.

9 Q. Did you use any force against Mr. Alves at the jail?

10 A. No, sir, I did not.

11 Q. Why not?

12 A. Well, the only force I used against him was when I pushed
13 him against -- back against the wall and told him to remain
14 there.

15 Q. Other than that amount of force, did you use any other
16 force against him?

17 A. No, sir.

18 Q. Why not?

19 A. We were taught that once we get into the jail and the
20 deputy takes -- goes hands on, that our jurisdiction ends. The
21 only time we're supposed to intervene is if it's life
22 threatening.

23 Q. I'd like to show you what's been marked as Government's
24 Exhibit 52.

25 MR. RICHMOND: Your Honor, if you could pull that off

1 technique or the move that Mr. Teel used against Mr. Alves at
2 this point?

3 A. That's what -- usually, we use this with two officers. It
4 can be used with one. Hook underneath the arms to the
5 shoulder. It's easier to control somebody.

6 Q. Can you hear what Defendant Teel is saying to Mr. Alves at
7 this time?

8 A. I don't believe so, no, sir.

9 Q. Did you hear why Mr. Teel took Mr. Alves to the floor?

10 A. Did I hear why? No, sir.

11 Q. Hear any statements?

12 A. I don't recall much of what was said there.

13 Q. And what movement do you recall seeing from Mr. Alves?

14 A. He most of the time just pretty much laid there.

15 Q. At any time, did you see him be physically aggressive
16 towards Defendant Teel?

17 A. No, sir.

18 Q. Can you identify the booking officer that just entered the
19 screen at 5:01:53?

20 A. Only since this started. I didn't know her name at that
21 time. It's Rhodes.

22 Q. Do you recall what Defendant Teel was doing with
23 Mr. Alves?

24 A. I believe what he was doing was taking his property.

25 Q. And at 5:03:36 (sic), do you recall what the inmate trusty

1 brought out?

2 A. I believe that's the chair.

3 Q. And what movement did you observe from Mr. Alves?

4 A. Again, he's remaining prone on his -- on his belly.

5 Q. At this time, are you able to observe at 5:04:13 any use
6 of force by Defendant Teel against Mr. Alves?

7 A. I believe this is where he struck him. That's the
8 tactical swipe, I believe.

9 Q. Did you see Mr. Teel use OC spray?

10 A. To be honest with you, it's hard to see between -- I
11 believe this is when he -- either he used the OC swipe that he
12 got from the other jailer that came out.

13 Q. Did you observe Defendant Teel hand anything back to the
14 other jailer?

15 A. I do now. But on the video, I'm looking the other way.
16 But I know that he did give it back to him.

17 Q. At the time that Defendant Teel used OC spray against
18 Mr. Alves, what was Mr. Alves doing?

19 A. He was still laying prone on his stomach.

20 Q. Did you observe any aggressive behavior from him?

21 A. No, sir. Just, I believe, verbal. But that's --
22 that's --

23 Q. Were his hands still cuffed behind his back?

24 A. Yes, sir. His hands were still cuffed, and he was still
25 prone on his stomach. That's where they recovered my handcuffs

1 from where they switched our handcuffs out.

2 Q. That's at 5:05:30?

3 A. Yes, sir. This is the mummy wrap I was talking about.
4 I'd never seen the full body wrap.

5 Q. Did you observe any -- did you recall observing any
6 movement from Mr. Alves?

7 A. No, sir.

8 Q. At this time, do you feel that additional officers were
9 needed to restrain him?

10 A. No, sir. I believe this is where he's tying the towel
11 around his face -- or the pillowcase around his face.

12 Q. And that's at 5:07:25?

13 A. Somewhere in there, yes, sir.

14 Q. What was the demeanor in the booking room at this time, at
15 5:17:51?

16 A. I honestly couldn't tell you.

17 Q. Were a sufficient number of officers present to secure
18 Mr. Alves?

19 A. Oh, yes, sir. I believe two of them were sergeants. I'm
20 not sure if anybody else came up or not.

21 Q. Did you see Defendant Teel use any other types of force
22 against Mr. Alves?

23 A. This night?

24 Q. Yes.

25 A. I honestly don't recall. I believe that he slammed the

1 Mr. Alves was spitting. I was trying to draw a connection
2 between why Mr. Alves was spitting and Defendant Teel's
3 conduct.

4 THE COURT: All right. I'll grant some leniency.
5 The objection is overruled.

6 BY MR. RICHMOND:

7 Q. What is the impact of OC spray on an individual?

8 A. Your nose starts running. Your eyes burn, start running.
9 Your mouth foams up. You want to get rid of it and get it out
10 of your mouth and off you as soon as you can.

11 Q. Mr. Davis asked you if Mr. Alves was spitting. Was that
12 after he had been OC sprayed by Defendant Teel?

13 A. Yes, sir.

14 MR. RICHMOND: No other questions, Your Honor.

15 THE COURT: Thank you, Officer Manning. You are
16 excused, sir.

17 Who's your next witness?

18 MR. RICHMOND: The government calls Kasey Alves.

19 KASEY ALVES

20 was thereupon called as a witness for and on behalf of the
21 government and, having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. RICHMOND:

24 Q. Mr. Alves, could you introduce yourself to the jury?

25 A. Kasey D. Alves.